THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 25348 OF 2002

ORDER:

This Writ Petition is filed seeking a Writ of Certiorari to call for the records relating to and connected with the orders passed in M.P.No.52 of 1999 dated 25.6.2002 by the Labour Court and quash or set aside the same by holding the same as illegal and arbitrary.

Heard Sri N.Vasudeva Reddy, learned Standing Counsel for the Petitioners-Corporation and learned Government Pleader for Labour.

Learned counsel for the petitioners contends that when the respondent-workman was terminated vide orders dated 1.7.1986, he had filed Writ Petition No.1478 of 1987 and the said Writ petition was disposed of on 11.11.1993 setting aside the orders of termination by directing the petitioners to reinstate the respondent-workman and to consider his case for regularization in the light of Clause-5 of the settlement dated 10.3.1986. When no orders were passed pursuant to Writ Petition No.1478 of 1987, the respondent-workman filed Writ Petition No.11360 of 1995. Pursuant to the orders passed in Writ Petition No.11360 of 1995, the respondent-workman was reinstated into service vide orders dated 4.10.1995 and his services were regularized with effect from 28.5.1996 only when his turn had come up for regularization. But the respondent-workman had filed M.P.No.52 of 1999 seeking wages as though his services were regularized with effect from 11.1.1994 and the Labour Court had erroneously allowed the said MP and directed the petitioners to pay salaries and grant increments treating that the services of the respondent-workman were regularized with effect from 1.9.1994. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioners contends that the Labour Court ought not to have passed orders directing to treat that the services of the respondent-workman were regularized with effect from 1.9.1994 and ought not to have allowed consequential benefits in favour of the respondent-workman under Section 33 (c) (2) of Industrial Disputes Act. The Labour Court can only adjudicate the cases where there is a subsisting legal right. In the instant case, there is no subsisting legal right or adjudication in respect of regularization of the respondent-workman. The Labour Court, cannot adjudicate any issue independently under Section 33 (c) (2) of Industrial Disputes Act and contends that appropriate orders be passed by setting aside the orders passed in M.P.No.52 of 1999 dated 25.6.2002 and contends that the Writ Petition may be allowed.

Learned Government Pleader for Labour contends that the Labour Court had rightly passed orders directing to treat that the services of the respondent-workman were regularized with effect from 1.9.1994 and granted consequential reliefs to the respondent-workman. No irregularity or illegality has been pointed out by the petitioner-Corporation and in the absence of the same, this Court should not interfere with the orders passed by the Labour Court.

Having considered the rival contentions of both the parties, this Court is of the considered view that the Labour Court had rightly passed orders in M.P.No.52 of 1999 dated 25.6.2002 in favour of the respondent-workman. The Labour Court had merely reiterated what this Court had directed in W.P.No.1478 of 1987 and directed that the services of the respondent-workman were deemed to have been regularized in terms of the orders in W.P.No.1478 of 1987 and to treat that the services of the respondent-workman were regularized with effect from 1.9.1994 and

granted consequential reliefs. No irregularity or illegality has been pointed out by the petitioner-Corporation in the orders passed by the Labour Court warranting interference of this Court.

Therefore, there are no merits in the Writ Petition and the same is accordingly, dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

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ABHINAND KUMAR SHAVILI ,J

Date:18.12.2018

KPM